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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,660

08/02/2006

Yoshinobu Watanabe

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4525

53148

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05/26/2010

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EXAMINER

NGUYEN, HIEN NGOC

ART UNIT

PAPER NUMBER

3768

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,660	<b>Applicant(s)</b> WATANABE ET AL.	
	<b>Examiner</b> HIEN NGUYEN	<b>Art Unit</b> 3768	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,7,8,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,7,8,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/13/2010 has been entered.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-3, 7-8 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is communication line interface? Is the communication line interface a software component or a hardware component?

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. (JP 2002-282251 (the abstract is provided in the IDS)) and in view of Jorgensen et al. (US 2003/0067903).

5. Addressing claims 2, 7 and 15 Cameron discloses a remote ultrasonic diagnostic system with an examiner-side apparatus comprises: an image formation portion that form an ultrasonic image using the ultrasonic image data (see [0026] lines 1-6 and 22-25, it is inherent that an image formation portion is in the system because the doctor able to view the receiving images or video images; the image processor is an image formation portion); a displaying means that displays ultrasonic images (see [0026] lines 1-6); a communication line interface that receives, during a live mode an ultrasonic image data that is transmitted via a communication line, and the frame to be reproduced from a cine memory that sequentially stores an ultrasonic signal received by an ultrasonic wave transmission/reception portion of the subject-side apparatus per each frame (see [0010-0110], [0026], live streaming is live mode). However, Cameron does not explicitly disclose transmit data in real-time and receive retransmitting frame/packet upon request. In the same field of endeavor, which is data communication, Jorgensen discloses transmit data in real-time and receive retransmitting frame/packet upon request (see [0392-0397], [0479], [0581]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cameron to transmit data in real-time and receive retransmitting frame/packet upon request as taught by Jorgensen because

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transmit data in real-time and receive retransmit lost data would improve image quality and service quality.

6. Addressing claims 3, 8 and 16 Cameron discloses a remote ultrasonic diagnostic system that has the subject side apparatus connected to the examiner-side apparatus via a communication line and the subject-side apparatus comprises: an image generation portion that generates ultrasonic image data from an ultrasonic signal that is received by the ultrasonic wave transmission/reception portion (see [0026] lines 1-6 and 22-25 it is inherent that an image generation portion is in the system because the doctor able to view the images or video images; the image processor is an image formation portion); a displaying means that display ultrasonic images (see [0026] lines 1-6); a cine memory for sequentially storing the ultrasonic image data (see [0027], lines 8-11 and abstract); an ultrasonic wave transmission/reception portion for transmitting and receiving ultrasonic wave (see [0002], lines 1-6); a communication line interface that receives an ultrasonic image data that is transmitted via a communication line, and a cine memory that sequentially stores an ultrasonic signal received by an ultrasonic wave transmission/reception portion of the subject-side apparatus per each frame (see [0026]). However, Cameron does not explicitly disclose retransmitting a frame/packet upon request by a remote user system. In the same field of endeavor, which is data communication, Jorgensen discloses retransmitting a frame/packet upon request by a remote user system due to lost of packet during transmission (see [0392-0397], [0479], [0581]). It would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify Cameron to retransmit a frame/packet upon request by a remote user system as taught by Jorgensen because transmit data in real-time and retransmit the lost data would improve image quality and service quality.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-3, 7-8 and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEN NGUYEN whose telephone number is (571)270-7031. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. N./

Examiner, Art Unit 3768

/Long V Le/

Supervisory Patent Examiner, Art Unit 3768